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Attorney for Defendant, TILISHA MORRISON

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TILISHA MORRISON,

Defendant.

Case No.: 1:22-CR-177 ADA/BAM

Defendant Tilisha Morrison's Request And
Order For Funds For Travel, Lodging, And
Subsistence Pursuant To 18 U.S.C. §4285 and
the Criminal Justice Act 18 U.S.C. §3006A

1. Introduction and Summary of Argument

Ms. Morrison is scheduled for a change of plea hearing on September 25, 2023. She is a life-long resident of the Texas area and lives there now. Ms. Morrison is indigent and requests funds to allow her to travel to her change of plea hearing and return home after that proceeding. Due process requires that the necessary funds be provided.

As to Ms. Morrison's post-change of plea return travel home, Defense counsel will request that Ms. Morrison remain out of custody until her sentencing hearing upon which, if Ms. Morrison is ordered to serve time in custody, a request will be made to allow Ms. Morrison to self-surrender so she can arrange her affairs before reporting to custody.

2. Due Process Requires The Provision Of The Requested Funds

Ms. Morrison's indigency is clear as reported on her financial affidavit at the time of her initial appearance. As of approximately September 4, 2023, Ms. Morrison was laid off her job where she earned approximately \$2600 month. She found a new job but will not begin that position until October 9, 2023. She will earn \$18 an hour and anticipates earning the same income as her previous job. Ms. Morrison is a single mother, and she currently pays \$1700 a month in rent, \$200 a month in utilities, \$500 on her car payment and \$60 month for her cellphone. Ms. Morrison receives public assistance to purchase food for herself and her children.

There is unambiguous statutory authority for this Court direct the United States Marshal to furnish Ms. Morrison with the cost of travel to Fresno, California, so that she can attend court in Fresno on September 25, 2023 *See*, 18 U.S.C. § 4285. Pursuant to that statute, Ms. Morrison requests the United States Marshal provide her with subsistence expenses during her travel period not to exceed the amount authorized as per diem allowance for travel under 5 U.S.C. § 5702(a).

Several cases have held that § 4285 does not obligate the Marshal Service to pay an indigent defendant's subsistence expenses – food and lodging – once the defendant arrives and can attend Court. Of course, the defendant has a due process right to attend her court proceedings and cannot be forced to choose between surrendering herself into custody or to go without food and lodging while attending court. *See, United States v. Badalamenti*, 1986 WL 8309 (S.D.N.Y. Jul. 22, 1986). In *United States v. Mendoza*, 734 F.Supp.2d 281, 286-87, (E.D.N.Y. 2010), the Court found that the Criminal Justice Act, 18 U.S.C. §3006A, provided the appropriate funding mechanism for a defendant's lodging and subsistence expenses while he is away from home for court proceedings and for the cost of return travel and subsistence.

Based on those precedents, Ms. Morrison requests funding for her travel and subsistence as follows:

- (1) From the United States Marshall for the cost of travel to Fresno, California, so that she can attend court in Fresno on September 25, 2023, and subsistence during that travel, pursuant to 18 U.S.C. § 4285.
- (2) From funds authorized under the Criminal Justice Act, 18 U.S.C. §3006A, for the defendant's lodging and subsistence expenses while she is in Fresno on September 24 and 25, 2023 for her change of plea, and for the cost of her return travel home and subsistence during that travel.
- (3) From any other source the Court finds appropriate for the travel and subsistence expenses noted above.

Undersigned counsel is informed and believes this Court is inclined to order travel and subsistence funding as referenced in (1) and (2) above and to further authorize undersigned counsel to advance the subsistence expenses specified in (2) above with reimbursement to counsel from Criminal Justice Act (CJA) funds ordered by the Court.

Counsel will provide defendant Morrison with a copy of the travel funds document which is attached to the proposed order and advise Ms. Morrison of her potential liability for excess expenses. Counsel will seek reimbursement from CJA funds promptly once the authorized travel is completed.

Dated: September 13, 2023

Respectfully submitted,

/s Monica L. Bermudez
MONICA L. BERMUDEZ
Attorney for defendant
TILISHA MORRISON

ORDER

Pursuant to 18 U.S.C. § 4285, the Court orders the United States Marshal to furnish Tilisha Morrison with the cost of travel from Dallas, Texas to Fresno, California, so that she may attend court in Fresno on September 25 2023, at 8:30 a.m. Additionally, the United States Marshal shall provide Ms. Morrison with subsistence expenses for this travel period not to exceed the amount authorized as per diem allowance for travel under 5 U.S.C. § 5702(a).

Pursuant to 18 U.S.C. § 3006A, the Court orders the disbursement of Criminal Justice Act (CJA) funds to furnish Tilisha Morrison with the cost of lodging, food, and incidental expenses while she is in Fresno, California between September 24-25, 2023, in connection with her court appearance on September 25, 2023, at 8:30 a.m. It is further ordered that CJA funds shall be disbursed for travel and subsistence to enable Ms. Morrison to return to her home in Fort Worth, Texas when that court proceeding is completed. It is further ordered that to the extent practicable, the travel and subsistence expenses shall not exceed the parameters set out in the attached Travel Funding Memorandum and the per diem allowance for travel under 5 U.S.C. § 5702(a).

It is further ordered that undersigned counsel may advance the travel and subsistence funds to be disbursed from CJA funds. Counsel shall seek any reimbursement from CJA funds promptly once the authorized travel is completed. Counsel shall endeavor to limit the expenses to the parameters set out in the attached Travel Funding Memorandum, however counsel is not personally liable for excess expenses and shall be reimbursed from CJA funds for all expenses reasonably authorized.

IT IS SO ORDERED.

Dated: September 19, 2023


UNITED STATES DISTRICT JUDGE